

# **EXHIBIT A**

# RLS RAINS LUCIA STERN, PC

Harry Stern  
Attorney at Law  
HStern@RLSlawyers.com

March 1, 2016

Federal Bureau of Investigation  
Record/Information Dissemination Section  
Attn: FOIA Request  
170 Marcel Drive  
Winchester, VA 22602-4843

Dear FOIA Officer:

This is a request under the Freedom of Information Act regarding Michael Wang, who at the time of the incidents in question was a sergeant with the Richmond Police Department in Richmond, California. In November of 2010, the Richmond Police Department contacted your office regarding about Sgt. Wang alleging he had engaged in criminal activity in conjunction with his position as a peace officer. The FBI Public Corruption Unit initiated an investigation into these allegations and Special Agent Eric Williams was assigned to investigate. In September of 2013, Special Agent Leah D'Ambrosio took over the investigation. In May 2014 your agency ended its investigation due to statute of limitations issues.

Please search the FBI's indices to the Central Record System and provide all information, reports, conclusions, and other documents related to the investigation of Sgt. Michael Wang. I believe that the FBI file number related to Sgt. Wang is SF 146927.

I am making this request and seeking this information at the request of Michael Wang. See attached form DOJ-361 for his personal information and signed consent.

Thank you for your attention to this matter.

Very truly yours,

**RAINS LUCIA STERN, PC**

Harry Stern

## **EXHIBIT B**



U.S. Department of Justice

**Federal Bureau of Investigation**  
Washington, D.C. 20535

March 28, 2016

RAINS LUCIA STERN, PC  
220 MONTGOMERY STREET  
15TH FLOOR  
SAN FRANCISCO, CA 94104

FOIPA Request No.: 1346668-000  
Subject: WANG, MICHAEL

Dear Mr. Stern:

This acknowledges receipt of your Freedom of Information/Privacy Acts (FOIPA) request to the FBI.

- ☒ Your request has been received at FBI Headquarters for processing.
- ☐ Your request has been received at the \_\_\_\_\_ Resident Agency / \_\_\_\_\_ Field Office and forwarded to FBI Headquarters for processing.
- ☒ We are searching the indices to our Central Records System for the information responsive to this request. We will inform you of the results in future correspondence.
- ☐ The subject of your request is currently being processed for public release. Documents will be released to you upon completion.
- ☐ Release of responsive records will be made to the FBI's FOIA Library (The Vault), <http://vault.fbi.gov>, and you will be contacted when the release is posted.
- ☐ Your request for a fee waiver is being considered and you will be advised of the decision at a later date. If your fee waiver is denied, you will be charged fees in accordance with the category designated below.
- ☒ For the purpose of ~~the following fee determination:~~
  - ☐ As a commercial use requester, you will be charged applicable search, review, and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(I).
  - ☐ As an educational institution, noncommercial scientific institution or representative of the news media requester, you will be charged applicable duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(II).
  - ☒ As a general (all others) requester, you will be charged applicable search and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(III).

Please check for the status of your FOIPA request at [www.fbi.gov/foia](http://www.fbi.gov/foia) by clicking on **Check the Status of Your FOIPA Request** under **Records Available Now** located on the right side of the page. Status updates are adjusted weekly. The status of newly assigned requests may not be available until the next weekly update. If the FOIPA has been closed the notice will indicate that appropriate correspondence has been mailed to the address on file.

For questions regarding our determinations, visit the [www.fbi.gov/foia](http://www.fbi.gov/foia) website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

Should you disagree with any determination referenced in this letter, you may file an appeal by writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal to OIP must be postmarked or transmitted within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number in any correspondence to us for proper identification of your request.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hardy", followed by a stylized flourish.

David M. Hardy  
Section Chief,  
Record/Information  
Dissemination Section  
Records Management Division

## **EXHIBIT C**

**From:** [Nicole Pifari](#)  
**To:** [foipaquestions@ic.fbi.gov](mailto:foipaquestions@ic.fbi.gov)  
**Cc:** [Olivia Leary](#); [Harry Stern](#)  
**Subject:** Inquiry about FOIPA request#1346668-000  
**Date:** Wednesday, May 25, 2016 8:55:50 AM

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To Whom it May Concern:

We represent Michael Wang, who made a FOIPA request of the F.B.I. in search of the records related to your investigation of him. This request was made in early March of this year, the request number is 1346668-000, and the subject name is Michael Wang.

As directed in your letter, I attempted to use your online "check status" feature; however, the only update I obtained was a statement that you are "searching the FBI's indices for potentially responsive documents." This is nearly the exact status update we received from you by mail two months ago. The website instructed me to address further inquiries through this email.

Please let us know what progress, if any, you have made in locating the investigatory file and accompanying materials related to your investigation of Mr. Wang. You have been holding this request for over two months. It would be helpful if you provided an estimate of how long this process is going to take.

Thank you,

Nicole Pifari  
Attorney at Law  
**RAINS LUCIA STERN, PC**  
San Francisco Office  
Phone [415.341.9341](tel:415.341.9341)  
Fax [925.609.1690](tel:925.609.1690)  
[www.RLSlawyers.com](http://www.RLSlawyers.com)

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represent you as your attorney. You are encouraged to retain counsel of your choice if you desire to do so. All rights of the sender for violations of the confidentiality and privileges applicable to this email and any attachments are expressly reserved.

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**From:** [Nicole Pifari](#)  
**To:** [Olivia Leary](#)  
**Cc:** [Harry Stern](#)  
**Subject:** FW: Inquiry about FOIPA request#1346668-000  
**Date:** Wednesday, May 25, 2016 9:16:32 AM

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Harry- Looks like it could be awhile (475 days, to be exact)

Olivia- Can you save this response to file? Thanks

Nicole Pifari  
Attorney at Law  
**RAINS LUCIA STERN, PC**  
San Francisco Office  
Phone [415.341.9341](tel:415.341.9341)  
Fax [925.609.1690](tel:925.609.1690)  
[www.RLSlawyers.com](http://www.RLSlawyers.com)

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**From:** FOIPAQUESTIONS [mailto:FOIPAQUESTIONS@ic.fbi.gov]  
**Sent:** Wednesday, May 25, 2016 9:13 AM  
**To:** Nicole Pifari  
**Subject:** RE: Inquiry about FOIPA request#1346668-000

Dear Ms. Pifari,

The request was received on 03-16-2016 (actual date request was scanned into the FOIPA

Document Processing System) and assigned FOIPA Request Number #1346668-000. The request is presently in Initial Processing, where the assigned analyst is searching for, retrieving and reviewing potentially responsive records. If appropriate, correspondence regarding the request and search results will be forthcoming.

Since the search is not yet complete, the estimated date of completion is based on the median processing time of complex requests (large processing track). Accordingly, the estimated date on which the FBI will complete action on your request is 475 days from the date of your request.

Requests are processed in the order in which they are received through our multi-track processing system, and the FBI receives a voluminous amount of requests on a daily, weekly, monthly, and annual basis. Requests are divided into two tracks--simple (under 50 pages of potentially responsive documents) and complex (over 50 pages of potentially responsive documents). Simple track requests typically require the least amount of time to process. Currently, simple queue cases average approximately 183 days from the date of receipt for processing. Our complex requests in the large processing track are currently averaging approximately 475 days for processing.

Please check the status of your request online at <http://www.fbi.gov/foia> by clicking on the **CHECK STATUS OF YOUR FOIPA REQUEST** under the **FOIA INDEX** located on the right side of the page. Status updates are performed on a weekly basis.

Information regarding the Freedom of Information Act/Privacy is available at <http://www.fbi.gov/> or <http://www.fbi.gov/foia/>. If you require additional assistance please contact the Public Information Officer.

Thank you,

Holly Early  
Public Liaison/GIS  
Record/Information Dissemination Section (RIDS)  
FBI-Records Management Division  
170 Marcel Drive, Winchester, VA 22602-4843  
PIO: (540) 868-4593  
Direct: (540) 868-4854  
Fax: (540) 868-4391/4997  
E-mail: [foiparequest@ic.fbi.gov](mailto:foiparequest@ic.fbi.gov)  
Questions E-mail: [foipaquestions@ic.fbi.gov](mailto:foipaquestions@ic.fbi.gov)

Do you have further questions about the FOI/PA process? Visit us at <http://www.fbi.gov/foia>

Please check the status of your request online at <http://www.fbi.gov/foia> by clicking on the CHECK STATUS OF YOUR FOI/PA REQUEST under the FOIA INDEX located on the right side of the page. Status updates are performed on a weekly basis.

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**From:** Nicole Pifari [<mailto:npifari@rlslawyers.com>]  
**Sent:** Wednesday, May 25, 2016 11:56 AM  
**To:** FOIPAQUESTIONS  
**Cc:** Olivia Leary; Harry Stern  
**Subject:** Inquiry about FOIPA request#1346668-000

To Whom it May Concern:

We represent Michael Wang, who made a FOIPA request of the F.B.I. in search of the records related to your investigation of him. This request was made in early March of this year, the request number is 1346668-000, and the subject name is Michael Wang.

As directed in your letter, I attempted to use your online "check status" feature; however, the only update I obtained was a statement that you are "searching the FBI's indices for potentially responsive documents." This is nearly the exact status update we received from you by mail two months ago. The website instructed me to address further inquiries through this email.

Please let us know what progress, if any, you have made in locating the investigatory file and accompanying materials related to your investigation of Mr. Wang. You have been holding this request for over two months. It would be helpful if you provided an estimate of how long this process is going to take.

Thank you,

Nicole Pifari  
Attorney at Law  
**RAINS LUCIA STERN, PC**  
San Francisco Office  
Phone [415.341.9341](tel:415.341.9341)  
Fax [925.609.1690](tel:925.609.1690)  
[www.RLSlawyers.com](http://www.RLSlawyers.com)

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## **EXHIBIT D**

# RLS RAINS LUCIA STERN, PC

Nicole Pifari  
Attorney at Law  
NPifari@RLSlawyers.com

May 26, 2016

VIA EMAIL [FOIPAREQUEST@IC.FBI.GOV] AND FIRST CLASS MAIL

Holly Early  
Public Liaison/GIS  
Record/Information Dissemination Section (RIDS)  
FBI-Records Management Division  
170 Marcel Drive  
Winchester, VA 22602-4843

**Re: Request for expedited processing of FOIPA Request #1346668-000**

Dear Ms. Early:

We represent Michael Wang, who submitted a records request to the F.B.I. which you received March 16, 2016. I received your email communication on May 25, 2016 in response to my status update inquiry in which you estimated our FOIPA request would take approximately 475 days to process. Thank you. I am writing you today to request expedited processing for his request.

Expedited processing of FOIPA requests is provided for in 5 USC § 522(a)(6)(E)(ii), which mandates that each agency create regulations that provide for expedited processing of records requests when the requestor demonstrates a compelling need, and in other cases decided by the agency. One of the other types of cases named by your agency as appropriate for expedition is one in which “an individual will suffer the loss of substantial due process rights.”

Our request is related to Mr. Wang’s termination from his job as a police officer in Richmond, California. The disciplinary action taken against him affects his vested property right in his job, a right which is protected under the 14<sup>th</sup> Amendment of the U.S. Constitution. Because the information contained in the FBI’s investigation into Mr. Wang is germane to his defense and necessary to win his job back, we cannot move forward with returning him to work until you process his request for these documents. Unfortunately, the longer this goes on, the greater the loss to his due process rights.

**Holly Early**

**Re: Request for Expedited Processing**

May 26, 2016

Page 2

Please consider and grant our request for expedited processing of this records inquiry. Thank you very much for your anticipated cooperation, and do not hesitate to contact me if you have any questions.

Sincerely,

**RAINS LUCIA STERN, PC**

A handwritten signature in black ink, appearing to read 'Nicole Pifari', with a long horizontal flourish extending to the right.

Nicole Pifari



U.S. Department of Justice

Federal Bureau of Investigation  
Washington, D.C. 20535

June 15, 2016

MR. HARRY STERN  
RAINS LUCIA STERN, PC  
220 MONTGOMERY STREET 15TH FLOOR  
SAN FRANCISCO, CA 94104

FOIPA Request No.: 1346668-000  
Subject: WANG, MICHAEL

Dear Mr. Stern:

This is in reference to your letter to the FBI, in which you requested expedited processing for the above-referenced Freedom of Information/Privacy Acts (FOIPA) request. Under Department of Justice (DOJ) standards for expedited processing, it can only be granted in the following situations:

**28 C.F.R. §16.5 (e)(1)(i):** "Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual."

**28 C.F.R. §16.5 (e)(1)(ii):** "An urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information."

**28 C.F.R. §16.5 (e)(1)(iii):** "The loss of substantial due process of rights."

**28 C.F.R. §16.5 (e)(1)(iv):** "A matter of widespread and exceptional media interest in which there exists possible questions about the government's integrity which affects public confidence."

You have not provided enough information concerning the statutory requirements permitting expedition; therefore, your request is denied.

For questions regarding our determinations, visit the [www.fbi.gov/foia](http://www.fbi.gov/foia) website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within sixty (60) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hardy", is written over the word "Sincerely,".

David M. Hardy  
Section Chief  
Record/Information

Dissemination Section  
Records Management Division

## **EXHIBIT E**

U.S. Department of Justice



Federal Bureau of Investigation  
Washington, D.C. 20535

December 12, 2016

MR. HARRY STERN / RAINS LUCIA STERN, PC  
220 MONTGOMERY STREET 15TH FLOOR  
SAN FRANCISCO, CA 94104

FOIPA Request No.: 1346668-000  
Subject: WANG, MICHAEL

Dear Mr. Stern:

This is in reference to your Freedom of Information Privacy Acts (FOIPA) request.

By letter dated March 1, 2016, you indicated your willingness to pay \$0.00 in FOIA processing fees. The Federal Bureau of Investigation (FBI) has located approximately 5,000 pages of records potentially responsive to the subject of your request. By DOJ regulation, the FBI notifies requesters when anticipated fees exceed \$25.00.

Please be advised that you are entitled to the first 100 pages free of charge. If the release is made on Compact Disc (CD), you will receive the cost equivalent (\$5.00) as a credit.



If all potentially responsive pages are released on CD, you will owe \$145.00 in duplication fees (10CDs at \$15.00 each, less \$5.00 credit for the first CD). Releases are made on CD unless otherwise requested. Each CD contains approximately 500 reviewed pages per release. The 500 page estimate is based on our business practice of processing complex cases in segments.

Should you request that the release be made in paper, you will owe \$245.00 based on a duplication fee of five cents per page. See 28 CFR §16.10 and 16.49.



You submitted your request via the FBI's eFOIA system. Releases will be made to you electronically, and you will owe \_\_\_\_ in duplication fees (\_\_\_\_ releases at \$15.00 each, less \$5.00 credit for the first release).



The FBI's eFOIA system cannot transmit digital media files, and they will need to be released on CD. The FBI located audio and video files that are potentially responsive to the subject of your request. If all of the potentially-responsive media is released, you will owe \$45.00 (3 CDs at \$15.00 each).



CDs will not be sent to a correctional institution. You will only qualify for CD releases if an alternate address is provided.



You will owe approximately \$\_\_\_\_ in international shipping fees.

**The estimated total cost for processing your request is approximately \$190.00 for CD releases or \$245.00 for paper releases.**

Please remember this is only an estimate, and some of the information may be withheld in full pursuant to FOIA/Privacy Act exemption(s). Also, some information may not be responsive to your subject. Thus, the actual charges could be less.

## Requester Response

No payment is required at this time. You must notify us in writing within thirty (30) days from the date of this letter of your format decision (paper or CD) unless your request qualifies for eFOIA releases. You must also indicate your preference in the handling of your request in reference to the estimated duplication fees from the following four (4) options:

☐ I am willing to pay estimated duplication/ international shipping fees up to the amount specified in this letter.

☐ I am willing to pay fees of a different amount.

Please specify amount: \_\_\_\_\_

☐ Provide me 100 pages or the cost equivalent (\$5.00) free of charge. If applicable, I am willing to pay International shipping fees.

☐ Cancel my request.

**If we do not receive your duplication format decision and/or estimated duplication fee selection within thirty (30) days of the date of this notification, your request will be closed. Include the FOIPA Request Number listed above in any communication regarding this matter.**

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S. C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You have the opportunity to reduce the scope of your request; this will accelerate the process and could potentially place your request in a quicker processing queue. This may also reduce search and duplication costs and allow for a more timely receipt of your information. The FBI uses a multi-queue processing system to fairly assign and process new requests. Simple request queue cases (50 pages or less) usually require the least time to process.

Please advise in writing if you would like to discuss reducing the scope of your request and your willingness to pay the estimated search and duplication costs indicated above. Provide a telephone number, if one is available, where you can be reached between 8:00 a.m. and 5:00 p.m., Eastern Standard Time. Mail your response to: **Work Process Unit; Record Information/Dissemination Section; Records Management Division; Federal Bureau of Investigation; 170 Marcel Drive; Winchester, VA 22602.** You may also fax your response to: 540-868-4997, Attention: Work Process Unit.

For questions regarding our determinations, visit the [www.fbi.gov/foia](http://www.fbi.gov/foia) website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS) at 877-684-6448, or by emailing [ogis@nara.gov](mailto:ogis@nara.gov). Alternatively, you may contact the FBI's FOIA Public Liaison by emailing [foipaquestions@ic.fbi.gov](mailto:foipaquestions@ic.fbi.gov). If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so that it may be easily identified.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hardy", followed by a stylized flourish or number "3".

David M. Hardy  
Section Chief,  
Record/Information  
Dissemination Section  
Records Management Division

# RLS RAINS LUCIA STERN, PC

Nicole Pifari  
Attorney at Law  
NPifari@RLSlawyers.com

December 21, 2016

**VIA EMAIL [FOIPAREQUEST@IC.FBI.GOV] AND FIRST CLASS MAIL**

David M. Hardy  
Section Chief, Record/Information Dissemination Section  
Records Management Division  
Federal Bureau of Investigation  
Washington D.C. 20535

**Re: Payment of Costs Associated with FOIPA Request No. 1346668-000 for  
Michael Wang**

Dear Mr. Hardy:

We represent Michael Wang, who submitted a records request to the F.B.I. March 16, 2016. I received your letter dated December 12, 2016 in which you asked us to notify you in writing of our willingness to pay processing costs and make a decision on formatting preference.

Under the heading of "Requester Response," we choose the first option. That is, we are willing and ready to pay the estimated duplication/international shipping fees up to the amount specified in your letter. Furthermore, our preference is that the responsive documents be provided on CD.

We look forward to receiving the documents we have requested. Please contact me if you have any questions.

Sincerely,

**RAINS LUCIA STERN, PC**



Nicole Pifari

## **EXHIBIT F**

1/28/2019

Mail - npifari@rlslawyers.com

## FOIPA Request No: 1346668-001

Nicole Pifari

Thu 3/30/2017 4:21 PM

Michael Wang

To: foipaquestions@ic.fbi.gov &lt;foipaquestions@ic.fbi.gov&gt;;

To Whom it May Concern:

I am writing pursuant to the online instructions which tell me to send questions about FOIA status to this address. This information request is related to your investigation of Michael Wang, request number listed above.

We received a letter from you that seemed to indicate that the responsive documents had been located, and asking me to confirm we would pay for their production. I sent you a letter confirming we would pay for the documents, but haven't heard from you.

Can you please advise if the items are on their way, or alternatively how long we can expect to wait?

Thank you,

Nicole Pifari  
Attorney at Law  
RAINS LUCIA STERN  
ST. PHALLE & SILVER, PC  
San Francisco Office  
415.341.9341 Phone  
925.609.1690 Fax  
[www.RLSlawyers.com](http://www.RLSlawyers.com)

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\*\*\*\*\*

Wang 019

1/28/2019

Mail - npifari@rlslawyers.com

## RE: FOIPA Request No: 1346668-001

FOIPAQUESTIONS &lt;FOIPAQUESTIONS@ic.fbi.gov&gt;

Fri 3/31/2017 3:58 AM

Michael Wang

To: Nicole Pifari &lt;npifari@rlslawyers.com&gt;;

Dear Ms. Pifari,

Thank you for your inquiry regarding the status of your Freedom of Information Act/Privacy (FOIPA) request. A review of your request has determined the following:

The request is presently awaiting assignment to a Disclosure analyst who will then review the records to determine if any redactions are required pursuant to subsections of Title 5, U. S. Code, Section 552 and 552a. Upon completion, the records are forwarded to a supervisor for review. If approved, a release will be forthcoming. However, the supervisor may send the records back for further review which may delay the release.

You can now check the status of your request online at: <http://www.fbi.gov/foia/>, and click on the '**Check Status of Your FOIPA Request**' link under the **Records Available Now** section. Online status reports are updated weekly.

Requests are processed in the order in which they are received through our multi-track processing system, and the FBI receives a voluminous amount of requests on a daily, weekly, monthly, and annual basis. Requests are divided into two primary tracks--simple (under 50 pages of potentially responsive documents) and complex (over 50 pages of potentially responsive documents). Complex requests are further divided into medium, large, and extra-large sub-tracks based upon request size. Simple track requests typically require the least amount of time to process. Currently, simple track cases average approximately 181 days from the date of receipt for processing. Our complex requests in the large processing track are currently averaging approximately 659 days for processing.

Your request is currently in the complex request large processing track waiting to be assigned to a disclosure analyst for processing, and the estimated date of completion for your request is December 2018. Reducing the scope of your request can accelerate the process as it could potentially place your request in a quicker processing track. This may also reduce any search and duplication costs, if applicable, and allow for a more timely receipt of your information. If you wish to discuss reducing the scope of your request, please notify us in writing.

Please contact [foipaquestions@ic.fbi.gov](mailto:foipaquestions@ic.fbi.gov) if you require further assistance.

Thank you,

**Holly Early**

Government Information Specialist

Record/Information Dissemination Section (RIDS)

FBI-Records Management Division

170 Marcel Drive, Winchester, VA 22602-4843

PIO Line: (540) 868-4593

Direct: (540) 868-4854

Fax: (540) 868-4391 or (450)868-4997

Wang 020

1/28/2019

Mail - npifari@rlslawyers.com

Questions E-mail: [foipaquestions@ic.fbi.gov](mailto:foipaquestions@ic.fbi.gov)Do you have further questions about the FOI/PA process? Visit us at <http://www.fbi.gov/foia>Please check the status of your request online at <https://vault.fbi.gov/fdps-1/@@search-fdps>. Status updates are performed on a weekly basis.**From:** Nicole Pifari [mailto:[npifari@rlslawyers.com](mailto:npifari@rlslawyers.com)]**Sent:** Thursday, March 30, 2017 8:15 PM**To:** FOIPAQUESTIONS <[FOIPAQUESTIONS@ic.fbi.gov](mailto:FOIPAQUESTIONS@ic.fbi.gov)>**Subject:** FOIPA Request No: 1346668-001

To Whom it May Concern:

I am writing pursuant to the online instructions which tell me to send questions about FOIA status to this address. This information request is related to your investigation of Michael Wang, request number listed above.

We received a letter from you that seemed to indicate that the responsive documents had been located, and asking me to confirm we would pay for their production. I sent you a letter confirming we would pay for the documents, but haven't heard from you.

Can you please advise if the items are on their way, or alternatively how long we can expect to wait?

Thank you,

Nicole Pifari  
Attorney at Law  
RAINS LUCIA STERN  
ST. PHALLE & SILVER, PC  
San Francisco Office  
[415.341.9341](tel:415.341.9341) Phone  
[925.609.1690](tel:925.609.1690) Fax  
[www.RLslawyers.com](http://www.RLslawyers.com)

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## **EXHIBIT G**

1/28/2019

Mail - npifari@rslawyers.com

RE: FOIPA Request No: 1346668-000

FOIPAQUESTIONS &lt;FOIPAQUESTIONS@FBI.GOV&gt;

Fri 3/30/2018 7:53 AM

To: Nicole Pifari &lt;npifari@rslawyers.com&gt;;

Good morning,

Thank you for your inquiry regarding the status of your Freedom of Information Act/Privacy (FOIPA) request. A review of your request has determined the following:

The request, FOIPA request number **1346668-001** is presently awaiting assignment to a Disclosure analyst who will then review the records to determine if any redactions are required pursuant to subsections of Title 5, U. S. Code, Section 552 and 552a.

You may check the status of your request online at <http://vault.fbi.gov> by clicking on the '**Check Status of Your FOIPA Request**' link. Online status reports are updated weekly.

Requests are processed in the order in which they are received through our multi-track processing system. Requests are divided into two primary tracks--simple (under 50 pages of potentially responsive documents) and complex (over 50 pages of potentially responsive documents). Complex requests are further divided into medium, large, and extra-large sub-tracks based upon request size. Simple track requests typically require the least amount of time to process. Currently, simple track cases average approximately 80 days from the date of receipt for processing. Our complex requests in the large processing track are currently averaging approximately 774 days for processing.

Your request is currently in the complex request large processing track, and the estimated date of completion for your request remains December 2018. **Reducing the scope of your request can accelerate the process as it could potentially place your request in a quicker processing track. This may also reduce any search and duplication costs, if applicable, and allow for a more timely receipt of your information. If you wish to discuss reducing the scope of your request, please notify us in writing.**

Respectfully,

**Public Information Officer**

Record/Information Dissemination Section (RIDS) FBI-Records Management Division  
170 Marcel Drive, Winchester, VA 22602-4843  
Direct: (540) 868-4593  
Fax: (540) 868-4391/4997  
Questions E-mail: [foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov)

Do you have further questions about the FOI/PA process? Visit us at <http://www.fbi.gov/foia>

Please check the status of your request online at <https://vault.fbi.gov/fdps-1/@@search-fdps> Status updates are performed on a weekly basis.

Wang 022

1/28/2019

Mail - npifari@rlslawyers.com

**Note: This is a non-emergency email address. If this is an emergency, please call 911 directly. If you need to report a tip for immediate action, please contact FBI Tips at <http://tips.fbi.gov/> or reach out to your local field office.**

**From:** Nicole Pifari [mailto:npifari@rlslawyers.com]  
**Sent:** Thursday, March 29, 2018 8:29 PM  
**To:** FOIPAQUESTIONS <FOIPAQUESTIONS@FBI.GOV>  
**Cc:** Harry Stern <hstern@rlslawyers.com>  
**Subject:** FOIPA Request No: 1346668-000

To Whom it May Concern:

I am writing pursuant to the online instructions which tell me to send questions about FOIA status to this address. This information request is related to your investigation of Michael Wang, request number listed above. When I entered this number on the "check status" page for checking on FOIA requests, it did not supply any information on our request.

It has been approximately 2 years since we submitted our request. The last we heard from you, the estimated date of production was December, 2018. Can you please advise if you have any update to this estimated day of completion?

Thank you,

Nicole Pifari  
 Attorney at Law  
 RAINS LUCIA STERN  
 ST. PHALLE & SILVER, PC  
 San Francisco Office  
 415.341.9341 Phone  
 925.609.1690 Fax  
[www.RLSlawyers.com](http://www.RLSlawyers.com)

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## **EXHIBIT H**

1/28/2019

Mail - npifari@rlslawyers.com

**From:** Nicole Pifari [mailto:npifari@rlslawyers.com]  
**Sent:** Thursday, July 26, 2018 7:19 PM  
**To:** FOIPAQUESTIONS <FOIPAQUESTIONS@FBI.GOV>  
**Subject:** FOIPA Request No: 134666-000

To Whom it May Concern:

I was unable to use your website to check the status of our FOIPA request. It involves Michael Wang, FOIPA request number 134666-000. It has been YEARS since we made this request, please advise how much longer we will need to wait for you to comply with our lawful request.

Thank you,

Nicole Pifari  
 Attorney at Law  
 RAINS LUCIA STERN  
 ST. PHALLE & SILVER, PC  
 San Francisco Office  
 415.341.9341 Phone  
 925.609.1690 Fax  
[www.RLSlawyers.com](http://www.RLSlawyers.com)

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1/28/2019

Mail - npifari@rslawyers.com

## RE: FOIPA Request No: 134666-000

FOIPAQUESTIONS &lt;FOIPAQUESTIONS@FBI.GOV&gt;

Fri 7/27/2018 5:45 AM

To: Nicole Pifari &lt;npifari@rslawyers.com&gt;;

Thank you for your inquiry regarding the status of your Freedom of Information Act/Privacy (FOIPA) request. A review of your request has determined the following:

The request is assigned FBI FOIPA number **1346668-000** and presently awaiting assignment to a Disclosure analyst who will then review the records to determine if any redactions are required pursuant to subsections of Title 5, U. S. Code, Section 552 and 552a.

You may check the status of your request online at <http://vault.fbi.gov> by clicking on the 'Check Status of Your FOI/PA Request' link. Online status reports are updated weekly.

Requests are processed in the order in which they are received through our multi-track processing system. Requests are divided into two primary tracks--simple (under 50 pages of potentially responsive documents) and complex (over 50 pages of potentially responsive documents). Complex requests are further divided into medium, large, and extra-large sub-tracks based upon request size. Simple track requests typically require the least amount of time to process. Currently, simple track cases average approximately 134 days from the date of receipt for processing. Our complex requests in the medium processing track are currently averaging 523 days, large processing track are currently averaging approximately 1,335 days, and extra-large processing track are currently averaging 1,875 days for processing.

Your request is currently in the complex request large processing track, and the estimated date of completion for your request is **April 2021**. If your request is considered a complex track, considering reducing the scope of your request may accelerate the process as it could potentially place your request in a quicker processing track. This may also reduce any search and duplication costs, if applicable, and allow for a more timely receipt of your information. If you wish to discuss reducing the scope of your request, please indicate so and a representative will be in contact.

Respectfully,

**Public Information Officer**

Record/Information Dissemination Section (RIDS) FBI- Information Management Division  
170 Marcel Drive, Winchester, VA 22602-4843  
Direct: (540) 868-4593  
Fax: (540) 868-4391/4997

Questions E-mail: [foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov)

Do you have further questions about the FOI/PA process? Visit us at <http://www.fbi.gov/foia>

Please check the status of your request online at [https://vault.fbi.gov/fdps-1/@\\_@search-fdps](https://vault.fbi.gov/fdps-1/@_@search-fdps). Status updates are performed on a weekly basis.

**Note: This is a non-emergency email address. If this is an emergency, please call 911 directly. If you need to report a tip for immediate action, please contact FBI Tips at <http://tips.fbi.gov/> or reach out to your local field office.**

Wang 027

# EXHIBIT I

**Andrea Kelly**

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**From:** FBI.FOIPA.NEGOTIATION <FBI.FOIPA.NEGOTIATION@FBI.GOV>  
**Sent:** Monday, November 26, 2018 6:49 AM  
**To:** Harry Stern  
**Cc:** Andrea Kelly; Nicole Pifari  
**Subject:** RE: FOIA request 1346668 (Michael Wang)

Good morning Mr. Stern,

We just wanted to give you a heads up that including the main file section and the two subfiles of interview and other types of notes yielded approximately 866 pages of potentially responsive material, which places the request into the medium track. Thanks you again for your willingness to reduce the scope of your request.

Best regards,

FOIA Negotiation Team  
FBI Information Management Division  
540-868-1695

Need a status check? Contact FOIPA Questions (foipaquestions@fbi.gov).

---

**From:** Harry Stern [mailto:hstern@rlslawyers.com]  
**Sent:** Tuesday, November 20, 2018 9:34 AM  
**To:** FBI.FOIPA.NEGOTIATION <FBI.FOIPA.NEGOTIATION@FBI.GOV>  
**Cc:** Andrea Kelly <akelly@rlslawyers.com>; Nicole Pifari <npifari@rlslawyers.com>  
**Subject:** Re: FOIA request 1346668 (Michael Wang)

Yes. Please go ahead and fulfill the request as modified. Specifically, we need all FBI investigation reports including witness interviews.

Thanks,

Harry

Harry S. Stern  
Attorney at Law  
**RAINS LUCIA STERN**  
**ST. PHALLE & SILVER, PC**  
San Francisco Office  
Phone [415.341.9341](tel:415.341.9341)  
Fax [925.609.1690](tel:925.609.1690)  
[www.RLSlawyers.com](http://www.RLSlawyers.com)

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\*\*\*\*\*

On Nov 20, 2018, at 3:49 AM, FBI.FOIPA.NEGOTIATION <[FBI.FOIPA.NEGOTIATION@FBI.GOV](mailto:FBI.FOIPA.NEGOTIATION@FBI.GOV)> wrote:

Good morning,

We hadn't heard back from you and just wanted to follow up.

Best regards,

FOIA Negotiation Team  
FBI Information Management Division  
540-868-1695

Need a status check? Contact FOIPA Questions ([foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov)).

-----Original Message-----

From: FBI.FOIPA.NEGOTIATION  
Sent: Friday, November 16, 2018 9:13 AM  
To: 'Harry Stern' <[hstern@rslawyers.com](mailto:hstern@rslawyers.com)>  
Cc: Andrea Kelly <[akelly@rslawyers.com](mailto:akelly@rslawyers.com)>; Nicole Pifari <[npifari@rslawyers.com](mailto:npifari@rslawyers.com)>  
Subject: RE: FOIA request 1346668 (Michael Wang)

Good morning Mr. Stern,

We can scope for any prosecutive reports if you would like and limit the request to those. Given your interest, I'm fairly certain that we can get the request below 950 pages. Would you be willing to proceed in this fashion?

Best regards,

FOIA Negotiation Team  
FBI Information Management Division  
540-868-1695

Need a status check? Contact FOIPA Questions ([foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov)).

-----Original Message-----

From: Harry Stern [<mailto:hstern@rlslawyers.com>]

Sent: Thursday, November 15, 2018 1:16 PM

To: FBI.FOIPA.NEGOTIATION <[FBI.FOIPA.NEGOTIATION@FBI.GOV](mailto:FBI.FOIPA.NEGOTIATION@FBI.GOV)>

Cc: Andrea Kelly <[akelly@rlslawyers.com](mailto:akelly@rlslawyers.com)>; Nicole Pifari <[npifari@rlslawyers.com](mailto:npifari@rlslawyers.com)>

Subject: RE: FOIA request 1346668 (Michael Wang)

FOIA Negotiation Team

FBI Information Management Division

It goes without saying that we are interested in speeding up the delivery of this request. As stated in earlier correspondence, the request implicates Mr. Wang's Due Process rights. Having said that, I have no way of knowing what effect reducing the number of pages in our request would have on the substance of what we are requesting. In other words, how would we ensure that we are obtaining the most critical information? The FBI deemed that Mr. Wang did not commit criminal misconduct. Thus, we need copies of witness interviews reports and other related material.

Any suggestions on how best to proceed would be appreciated.

Thank you,

Harry

Harry S. Stern

Attorney at Law

RAINS LUCIA STERN

ST. PHALLE & SILVER, PC

San Francisco Office

415.341.9341 Phone

925.609.1690 Fax

[www.RLSlawyers.com](http://www.RLSlawyers.com)

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-----Original Message-----

From: FBI.FOIPA.NEGOTIATION [<mailto:FBI.FOIPA.NEGOTIATION@FBI.GOV>]  
Sent: Tuesday, November 13, 2018 5:35 AM  
To: Harry Stern <[hstern@rlslawyers.com](mailto:hstern@rlslawyers.com)>  
Subject: FOIA request 1346668 (Michael Wang)

Good morning Mr. Stern,

This is in reference to your Freedom of Information Act (FOIA) request # 1346668-000 for FBI records concerning Michael Wang. We are reaching out to you to determine if you are still interested in these records, or, if at this time, you would consider reducing the size of your request from 5,000 pages to under 950 pages, which will move the request to the medium track. Reducing the size of your request may accelerate the processing and allow for a more timely receipt of the information you seek, as it could potentially place your request into a smaller, faster processing track. This may also reduce duplication costs, if applicable. Currently, there is a significant time involved in processing large track cases.

Requests are processed in the order in which they are received through our multi-track processing system, and the FBI receives a voluminous amount of requests on a daily, weekly, monthly, and annual basis. Requests are divided into two primary tracks -simple (under 50 pages of potentially responsive documents) and complex (over 50 pages of potentially responsive documents). Complex requests are further divided into medium (51-949 pages), (large 950-8000 pages), and extra-large (over 8,000 pages) sub-tracks are based upon request size.

Please contact me with regards to this inquiry to let me know if you are still interested in receiving records for this request either in full (the remaining records), or reducing the request to the medium track (not to exceed 949 pages). If you reduce the size, you can request the additional records with a new FOIA request upon completion of this one.

Thank you for your time and patience. We hope to hear from you over the next few days so we can discuss these options.

Best regards,

FOIA Negotiation Team  
FBI Information Management Division  
540-868-1695

Need a status check? Contact FOIPA Questions ([foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov)).

## **EXHIBIT J**

**Andrea Kelly**

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**From:** Andrea Kelly  
**Sent:** Tuesday, January 29, 2019 1:27 PM  
**To:** 'FOIPAQUESTIONS@FBI.GOV'  
**Cc:** Harry Stern; Nicole Pifari  
**Subject:** FOIPA Request No.: 1346668-001 (Michael Wang)

To Whom it May Concern:

I am writing to inquire about the status of our office's FOIPA Request (Request No.: 1346668-001 related to MICHAEL WANG). On November 20, 2018 our office agreed to reduce the scope of our request (specifically reduced from 5,000 pages to now approximately 866 pages) in order to accelerate its assignment for processing. Now that the scope has been reduced from the large track to the medium track, please advise as to the estimated date of completion for our request.

Thank you,

Andrea Kelly  
Legal Secretary  
**RAINS LUCIA STERN**  
**ST. PHALLE & SILVER, PC**  
415.341.9341 Phone  
925.609.1690 Fax  
[www.RLSlawyers.com](http://www.RLSlawyers.com)

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\*\*\*\*\*

## Andrea Kelly

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**From:** FOIPAQUESTIONS <FOIPAQUESTIONS@FBI.GOV>  
**Sent:** Friday, February 01, 2019 8:41 AM  
**To:** Andrea Kelly  
**Subject:** RE: FOIPA Request No.: 1346668-001 (Michael Wang)

Thank you for your inquiry regarding the status of your Freedom of Information Act/Privacy (FOIPA) request. A review of your request has determined the following:

The request is presently awaiting assignment to a Disclosure analyst who will then review the records to determine if any redactions are required pursuant to subsections of Title 5, U. S. Code, Section 552 and 552a.

You may check the status of your request online at <http://vault.fbi.gov> by clicking on the 'Check Status of Your FOI/PA Request' link. Online status reports are updated weekly.

Requests are processed in the order in which they are received through our multi-track processing system. Requests are divided into two primary tracks--simple (under 50 pages of potentially responsive documents) and complex (over 50 pages of potentially responsive documents). Complex requests are further divided into medium, large, and extra-large sub-tracks based upon request size. Simple track requests typically require the least amount of time to process. Currently, simple track cases average approximately 134 days from the date of receipt for processing. Our complex requests in the medium processing track are currently averaging 523 days, large processing track are currently averaging approximately 1,335 days, and extra-large processing track are currently averaging 1,875 days for processing.

Your request is currently in the complex request medium processing track, and the estimated date of completion for your request is July 2019. Respectfully,

### Public Information Officer

Record/Information Dissemination Section (RIDS) FBI-Information Management Division  
170 Marcel Drive, Winchester, VA 22602-4843  
Direct: (540) 868-4593  
Fax: (540) 868-4391  
Questions E-mail: [foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov)

Do you have further questions about the FOI/PA process? Visit us at <http://www.fbi.gov/foia>

Please check the status of your request online at <https://vault.fbi.gov/fdps-1/@@search-fdps> Status updates are performed on a weekly basis.

**Note: This is a non-emergency email address. If this is an emergency, please call 911 directly. If you need to report a tip for immediate action, please contact FBI Tips at <http://tips.fbi.gov/> or reach out to your local field office.**

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**From:** Andrea Kelly [mailto:[akelly@rlslawyers.com](mailto:akelly@rlslawyers.com)]  
**Sent:** Tuesday, January 29, 2019 4:19 PM  
**To:** FOIPAQUESTIONS <FOIPAQUESTIONS@FBI.GOV>  
**Cc:** Harry Stern <[hstern@rlslawyers.com](mailto:hstern@rlslawyers.com)>; Nicole Pifari <[npifari@rlslawyers.com](mailto:npifari@rlslawyers.com)>  
**Subject:** FOIPA Request No.: 1346668-001 (Michael Wang)

To Whom it May Concern:

I am writing to inquire about the status of our office's FOIPA Request (Request No.: 1346668-001 related to MICHAEL WANG). On November 20, 2018 our office agreed to reduce the scope of our request (specifically reduced from 5,000 pages to now approximately 866 pages) in order to accelerate its assignment for processing. Now that the scope has been reduced from the large track to the medium track, please advise as to the estimated date of completion for our request.

Thank you,

Andrea Kelly  
Legal Secretary  
**RAINS LUCIA STERN**  
**ST. PHALLE & SILVER, PC**  
415.341.9341 Phone  
925.609.1690 Fax  
[www.RLSlawyers.com](http://www.RLSlawyers.com)

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\*\*\*\*\*

## **EXHIBIT K**

**Andrea Kelly**

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**From:** Andrea Kelly  
**Sent:** Tuesday, March 12, 2019 2:38 PM  
**To:** 'FOIPAQUESTIONS@FBI.GOV'  
**Cc:** Harry Stern; Nicole Pifari  
**Subject:** FOIPA Request No.: 1346668-001 (Michael Wang)

To Whom it May Concern:

I am writing to inquire about the status of our office's FOIPA Request (Request No.: 1346668-001 related to MICHAEL WANG). On November 20, 2018 our office agreed to reduce the scope of our request (specifically reduced from 5,000 pages to now approximately 866 pages) in order to accelerate its assignment for processing. Please advise as to the estimated date of completion for our request.

Thank you,

Andrea Kelly  
Legal Secretary  
**RAINS LUCIA STERN**  
**ST. PHALLE & SILVER, PC**  
415.341.9341 Phone  
925.609.1690 Fax  
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## Andrea Kelly

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**From:** FOIPAQUESTIONS <FOIPAQUESTIONS@FBI.GOV>  
**Sent:** Wednesday, March 13, 2019 6:06 AM  
**To:** Andrea Kelly  
**Subject:** RE: FOIPA Request No.: 1346668-001 (Michael Wang)

Thank you for your inquiry regarding the status of your Freedom of Information Act/Privacy (FOIPA) request. A review of your request has determined the following:

The request is presently awaiting assignment to a Disclosure analyst who will then review the records to determine if any redactions are required pursuant to subsections of Title 5, U. S. Code, Section 552 and 552a.

You may check the status of your request online at <http://vault.fbi.gov> by clicking on the 'Check Status of Your FOI/PA Request' link. Online status reports are updated weekly.

Requests are processed in the order in which they are received through our multi-track processing system. Requests are divided into two primary tracks--simple (under 50 pages of potentially responsive documents) and complex (over 50 pages of potentially responsive documents). Complex requests are further divided into medium, large, and extra-large sub-tracks based upon request size. Simple track requests typically require the least amount of time to process. Currently, simple track cases average approximately 138 days from the date of receipt for processing. Our complex requests in the medium processing track are currently averaging 571 days, large processing track are currently averaging approximately 1,289 days, and extra-large processing track are currently averaging 1,649 days for processing.

Your request is currently in the complex request medium processing track, and the estimated date of completion for your request is December 2019.

Respectfully,

**Public Information Officer**

Record/Information Dissemination Section (RIDS) FBI-Information Management Division  
170 Marcel Drive, Winchester, VA 22602-4843  
Direct: (540) 868-4593  
Fax: (540) 868-4391  
Questions E-mail: [foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov)

Do you have further questions about the FOI/PA process? Visit us at <http://www.fbi.gov/foia>

Please check the status of your request online at <https://vault.fbi.gov/fdps-1/@@search-fdps> Status updates are performed on a weekly basis.

**Note: This is a non-emergency email address. If this is an emergency, please call 911 directly. If you need to report a tip for immediate action, please contact FBI Tips at <http://tips.fbi.gov/> or reach out to your local field office.**

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**From:** Andrea Kelly [mailto:[akelly@rlslawyers.com](mailto:akelly@rlslawyers.com)]  
**Sent:** Tuesday, March 12, 2019 5:29 PM  
**To:** FOIPAQUESTIONS <FOIPAQUESTIONS@FBI.GOV>  
**Cc:** Harry Stern <[hstern@rlslawyers.com](mailto:hstern@rlslawyers.com)>; Nicole Pifari <[npifari@rlslawyers.com](mailto:npifari@rlslawyers.com)>  
**Subject:** FOIPA Request No.: 1346668-001 (Michael Wang)

To Whom it May Concern:

I am writing to inquire about the status of our office's FOIPA Request (Request No.: 1346668-001 related to MICHAEL WANG). On November 20, 2018 our office agreed to reduce the scope of our request (specifically reduced from 5,000 pages to now approximately 866 pages) in order to accelerate its assignment for processing. Please advise as to the estimated date of completion for our request.

Thank you,

Andrea Kelly  
Legal Secretary  
**RAINS LUCIA STERN**  
**ST. PHALLE & SILVER, PC**  
415.341.9341 Phone  
925.609.1690 Fax  
[www.RLSlawyers.com](http://www.RLSlawyers.com)

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# **EXHIBIT L**

# RLS RAINS LUCIA STERN ST. PHALLE & SILVER, PC

Nicole Pifari  
Attorney at Law  
NPifari@RLSlawyers.com

March 18, 2019

VIA U.S. MAIL AND ELECTRONIC EMAIL [FBI.FOIPA.NEGOTIATION@FBI.GOV]

FOIA Negotiation Team  
FBI Information Management Division  
Federal Bureau of Investigation  
170 Marcel Drive  
Winchester, VA 22602

**Re: FOIPA Request No. 1346668-000**  
**Subject: WANG, MICHAEL**

To the FOIA Negotiation Team:

## I. INTRODUCTION

We represent Michael Wang, who requested in 2016 that you produce documents related to various, closed federal investigations into his activities. Over three years later, he has still not received any of the documents he requested from you under the Freedom of Information Act (hereinafter “FOIA,” or “the Act.”) Your inordinate delay is creating a substantial prejudice for him in a pending legal matter, and continued delay threatens to completely undermine his ability to defend himself.

We demand you produce the requested documents by Wednesday, April 17, 2019. If you fail to comply with this demand, we will file suit to enforce Mr. Wang’s rights under the Act and seek an award from the court for fees and costs incurred to date. (See 5 U.S.C. § 552(a)(4)(E).)

## II. TIMELINE

Mr. Wang first submitted his request to your agency for documents on March 1, 2016. Your agency acknowledged it received his request later that month on March 16, 2016. May 25, 2016, Mr. Wang sought an update from you, and the same day you responded with email that included your first estimate of how long it would take to fulfill his FOIA request. Your first estimate was based on the average response time for complex requests, which you claimed was 475 days from the date of our request, or **July 4, 2017**.<sup>1</sup>

Mr. Wang was concerned that your slow response time would create significant prejudice for him in a pending legal matter. He immediately requested expedited processing from you on May 26, 2016, explaining that he needed the information to defend his position as a police

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<sup>1</sup> We calculated the 475 days calculated using the date your agency acknowledged *receiving* Mr. Wang’s request, on March 16, 2016, rather than the date he actually submitted that request, March 1, 2016.

March 18, 2019

FBI

Re: FOIPA Request No. 1346668-000

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officer in Richmond, California. Approximately one month later on June 15, 2016, you denied Mr. Wang's request for expedited processing based on a claim he provided insufficient information to support a statutory basis for expedition.

On December 12, 2016, you informed us you had located approximately 5,000 pages of records and informed us there would be certain fees associated with production of the documents. We timely informed you we would pay any associated fees for production. On January 29, 2017, we received another communication from your office that you were "searching the indices of [your] Central Records System for the information responsive to [our] request." Your claim to still be searching for documents is suspect in light of the fact you had already sent a letter explaining approximately 5,000 responsive documents had been located – an indication that the searching process was already complete as of December 12, 2016.

We sought a second update from you on March 30, 2017. Your agency responded the next day on March 31, 2017 with a claim that the materials were "assigned to a disclosure analyst for processing" and a new estimated date of completion: **December 2018**. A year later on March 29, 2018 we sought another update on your progress. When your agency replied the next day on March 30, 2018, it indicated that our case was "presently *awaiting* assignment to a Disclosure analyst..." (emphasis added.) In other words, in the one year that passed between our March 2017 and March 2018 status checks, Mr. Wang's materials apparently digressed from being assigned to an analyst to awaiting assignment of an analyst. You also assured us in March 2018 that the estimated date of completion "remains December 2018."

Just four months later we checked on the status again on July 26<sup>th</sup>, 2018. Shockingly and with no explanation whatsoever, you provided your third estimate for production of the requested documents: **April 2021**. This estimate is 1,371 days beyond the date of your original estimate for completion, and 1,846 days (over 5 years) beyond the date of Mr. Wang's original request for documents.

We believe that ALL of the documents we requested are germane to the defense of our client. However, in an effort to work with your agency and expedite the process, we reached out to you on November 15, 2018, reminded you that Mr. Wang's Due Process rights were at stake, and inquired whether there was anything we could do facilitate a more speedy production. You indicated that if we were to reduce the scope of our request, fulfillment could be expedited. Therefore, based in that assertion we agreed to modify our request by limiting it to FBI investigation reports including witness interviews. You followed up with a letter to us on November 26, 2018 which informed us that our modified request reduced the number of responsive documents to 866 pages, and vaguely stated that this would "reduce the processing time."

March 12, 2019 we sought yet another update from you. The next day on March 13, 2019 you responded by telling us that our request is currently "awaiting assignment to a

March 18, 2019

FBI

**Re: FOIPA Request No. 1346668-000**

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Disclosure analyst.” We are distressed. You told us our matter had been assigned to a Disclosure analyst two years ago in March 2017, and now we are once again told we continue to wait assignment to an analyst. Your last estimated date of completion is **December 2019**.

### III. LAW

The FBI is required under the law to provide records requested under the FOIA “promptly.” (USC § 552(a)(3)(A).) Unless one or more specific statutory exemptions apply, the FBI must release the requested records. No exception applies here. The Act requires the FBI “make a determin[ation] within 20 days after receipt of any such request.” (§ 552(a)(6)(A)(i). If the agency fails to comply with the applicable time limit for responding to a FOIA request, the requesting party “shall be deemed to have exhausted his administrative remedies[.]” (§ 552(a)(6)(C)(i).

You have utterly failed to “promptly” fulfill Mr. Wang’s request for records, as is required by the law. In fact, you have so far withheld release of responsive records for more than three years. Each time Mr. Wang seeks an update from you, the finish line moves. Your failure to produce the records is a wrongful withholding for which you have no legal basis. Furthermore, this withholding has resulted in significant prejudice to Mr. Wang’s pending legal matter, which in turn threatens severe consequences implicating his Due Process rights.

We demand that within thirty (30) days you provide Mr. Wang with the documents and records he requested in March, 2016. To be clear, we demand you produce all of the approximately 5,000 responsive records that you have identified, not the 866 pages we previously agreed to accept in exchange for a supposedly-quicker response. If you fail to provide the records before Wednesday, April 17th, we will file suit immediately.

Thank you for your attention to this matter.

Sincerely,

**RAINS LUCIA STERN**  
**ST. PHALLE & SILVER, PC**



Nicole Pifari

NP:amk

Cc: Pilar Vaile (*via email*)  
Todd Simonson (*via email*)  
Client (*via email*)

## **EXHIBIT M**

## Andrea Kelly

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**From:** FOIPAQUESTIONS <FOIPAQUESTIONS@FBI.GOV>  
**Sent:** Sunday, April 07, 2019 5:01 AM  
**To:** Andrea Kelly  
**Subject:** FOIPA Request No. 1346668-000; Subject: MICHAEL WANG

Good afternoon,

This email is being sent in reference to the additional correspondence sent to our office by letter dated March 18, 2019. In this correspondence, it was noted that you are no longer interested in the narrowed approximate 866 pages agreed to in our November 26, 2018 negotiation letter and that you are now interested in moving your request back to a large track request of approximately 4,890 pages.

Please note that with this change, large processing track are currently averaging approximately 1,289 days.

Should you choose to narrow the scope of your request in the future, please feel free to reach out.

Respectfully,

### Public Information Officer

Record/Information Dissemination Section (RIDS) FBI-Information Management Division  
170 Marcel Drive, Winchester, VA 22602-4843  
Direct: (540) 868-4593  
Fax: (540) 868-4391  
Questions E-mail: [foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov)

Do you have further questions about the FOI/PA process? Visit us at <http://www.fbi.gov/foia>

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**From:** Andrea Kelly [mailto:[akelly@rslawyers.com](mailto:akelly@rslawyers.com)]  
**Sent:** Monday, March 18, 2019 7:15 PM  
**To:** FBI.FOIPA.NEGOTIATION <FBI.FOIPA.NEGOTIATION@FBI.GOV>  
**Cc:** Harry Stern <[hstern@rslawyers.com](mailto:hstern@rslawyers.com)>; Nicole Pifari <[npifari@rslawyers.com](mailto:npifari@rslawyers.com)>  
**Subject:** FOIPA Request No. 1346668-000; Subject: MICHAEL WANG

To the FOIA Negotiation Team:

Attached please find correspondence from Nicole Pifari regarding the above-referenced matter. A hard copy has also been placed in the mail.

Thank you,

Andrea Kelly  
Legal Secretary  
**RAINS LUCIA STERN**  
**ST. PHALLE & SILVER, PC**  
415.341.9341 Phone  
925.609.1690 Fax  
[www.RLSlawyers.com](http://www.RLSlawyers.com)

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